

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

An Information Disclosure Statement was filed on January 29, 2002, but no initialed copy of the PTO-1449 was provided with the outstanding office action. A courtesy copy of the PTO-1449 is attached. The Examiner is kindly requested to provide an initialed copy of the PTO-1449 to the undersigned by facsimile.

Claims 31-34 have been amended to delete the term "rapidly."

A Terminal Disclaimer is submitted herewith to overcome the obviousness-type double patenting invention.

It is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may be best resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Date: June 19, 2002

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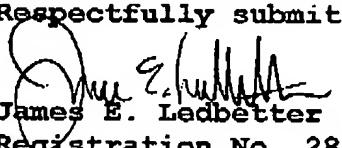
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Respectfully submitted,


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Exhibit I

31. (Amended) A transmission rate control apparatus comprising:

reception circuitry that receives a received quality measured at a communication terminal; and

transmission rate control circuitry that changes a transmission rate to said communication terminal based on the received quality, wherein said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates [rapidly].

32. (Amended) The transmission rate control apparatus according to claim 31, wherein, after said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates [rapidly], said transmission rate control circuitry changes the transmission rate to an original value when the received quality at the side of said communication terminal subsequently improves.

33. (Amended) A base station apparatus provided with a transmission rate control apparatus, said transmission rate control apparatus comprising:

reception circuitry that receives a received quality measured at a communication terminal; and

transmission rate control circuitry that changes a transmission rate to said communication terminal based on the received quality, wherein said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates [rapidly].

34. (Amended) The base station apparatus according to claim 33, wherein, after said transmission rate control circuitry decreases the transmission rate when the received quality at a side of said communication terminal deteriorates [rapidly], said transmission rate control circuitry changes the transmission rate to an original value when the received quality at the side of said communication terminal subsequently improves.

35. A communication terminal apparatus comprising:
monitor circuitry that monitors a received quality;
judgment circuitry that judges whether the received quality deteriorates; and
transmission circuitry that transmits the received quality at a timing at which said judgment circuitry judges that the received quality deteriorates.